

1 they'll probably have an arrival time on there.

2 Q. I'm asking you.

3 A. Oh. Well, for me to be able to answer your  
4 question specifically, I would reference their report. I  
5 mean, I don't know. I think maybe -- I mean, it could  
6 have been 2:00. It wasn't immediate.

7 Q. Right.

8 A. They weren't there, like, immediately. I didn't  
9 know if they were -- I mean, I don't know that they were  
10 going to show up or call us in three days --

11 Q. Sure.

12 A. -- and have a site -- I mean, I don't know.

13 Q. So, when TOSHA got there, had the bundles that were  
14 on the ground next to the trailer that had fallen, had  
15 they been moved somewhere else to a different part of the  
16 yard?

17 A. I believe -- yeah. I believe they had been  
18 relocated at that point because I -- I think we had -- we  
19 didn't know if they were coming or, you know -- we had --  
20 we had been released.

21 I think I -- I had asked Sandy, "Hey, is there  
22 anything else we need to do? You know, I mean, what do we  
23 need to do?"

24 You know, I -- everything had been released.

25 Everything had been photographed at that point.

1 Everything had been documented. We pretty much secured  
2 the scene at that point because it had been released, and,  
3 you know, I -- "Hey, what do we need to do? Let's go  
4 ahead and secure everything and get everything in good  
5 working order."

6 That's when we reached out to Steve Humbard, the  
7 other superintendent that moved -- that cert -- that's  
8 forklift certified, as well, to -- to move these bundles,  
9 you know.

10 Q. So Steve Humbard is who Curtis Kennedy believed was  
11 the other job superintendent who came from a different job  
12 to help with this one; is that right?

13 A. Yes.

14 Q. Okay. And he's the one that got in the forklift  
15 and, apparently, moved these two bundles that had fallen  
16 over towards the area where the other ones were; is that  
17 right?

18 A. Yes, to -- to stack them neatly and safely and, you  
19 know, secure everything. They're out in the middle of a  
20 drive lane currently, so that's the, you know, kind of in  
21 and out. I mean, it's a parking lot drive area.  
22 Everything had been doc -- yeah, like I said, and then --  
23 go ahead.

24 Q. All right. And Curtis told us that he believes  
25 that the -- the wrapping that was around these two bundles

1 looked at or anything like that, they could be done in  
2 such a way that --

3 Q. Was it someone from Jenkins & Stiles that decided  
4 to put that bundle on top of the other one that way that  
5 it's depicted in Exhibit 22 from Curtis Kennedy's  
6 deposition?

7 A. My -- my -- it was probably the forklift operator,  
8 that Steve, that once he picked -- we moved it over there.  
9 We decided to move it out of the way of the drive lane  
10 next to the other bundles that had been -- that Curtis had  
11 put there after once -- once the fire department had  
12 requested that he come lift that one, he put the three  
13 bundles over there stacked. We moved them -- I say, "We,"  
14 me and Steve Humbard had them move -- Steve moved them  
15 over there, and when he did it, he -- you know, he just  
16 stacked them. I don't know if there was a conscious...

17 Q. You're the one that told Steve to move it over  
18 there, right?

19 A. Yeah. We -- we -- I moved -- I told him to move it  
20 over there. I asked Sandy, you know, "Hey, you know, when  
21 do we need to do this," and she said the scene's been  
22 released to us, so we can just go ahead and start securing  
23 the site.

24 And so, I -- you know, "Hey, move it. Move it over  
25 next to the other bundle so we -- we keep them separate

1 from the rest," because there's other bundles on site. I  
2 don't want to get them mixed in, so I'll put them with the  
3 same load. And then, he picked that one.

4 I said, "Hey, let's make sure we get something  
5 underneath it in case they need to be relocated or moved  
6 at a later time." The forks aren't digging into the  
7 ground. They're able to get underneath it, and that's  
8 that wood you see underneath there.

9 And then, you know, when he picked the other one,  
10 he -- we stacked them, I mean, because they have  
11 dunnage -- or they have that dunnage in-between. They're  
12 upside down now, but...

13 Q. Did you rely on what Sandy Redmond told you in  
14 moving those over there and stacking them on each other  
15 like that?

16 A. "Rely?" By "rely," she -- what do you mean,  
17 "Rely?"

18 Q. Well, because you kept saying, Well, I was asking  
19 Sandy. She said it had been released.

20 A. Yeah, it had been released. We had done everything  
21 that we needed to do. It had documented -- I mean, it had  
22 been documented by the sheriff's department, the coroner,  
23 and -- and everything like that. They had released the  
24 scene, so start securing the -- it's in the middle of a  
25 drive lane on a project, I mean.

1 Q. So you're relying on the advice of Sandy Redmond in  
2 deciding --

3 A. To secure the scene, yes.

4 Q. -- yeah, to put that stuff over there, right?

5 MR. THOMPSON: Mr. Sullins, could you  
6 just make sure you wait until he's done --

7 THE WITNESS: Oh.

8 MR. THOMPSON: -- asking his questions?

9 THE WITNESS: Yes, sir.

10 BY MR. WRIGHT:

11 Q. You relied on what Sandy Redmond told you in  
12 deciding to put this stuff over there, as is shown in  
13 Exhibit 22 to Curtis Kennedy's deposition, correct?

14 A. To put that stuff over there, yeah. I mean, I made  
15 a decision, Hey, let's stack it next to the other bundles  
16 so it wouldn't get lost. But, yeah, as far as the scene  
17 has been released, you know, we can -- we can start  
18 securing it, that was on her advice, yeah.

19 Q. Okay. Before today, had you ever considered that  
20 the forks that were used to offload the three bundles that  
21 Curtis Kennedy was trying to offload went too far  
22 underneath and overextended underneath the second bundle  
23 and that that was what caused the load to tip over?

24 MR. THOMPSON: Object to form.

25 ///

1 BY MR. WRIGHT:

2 Q. Did you ever make --

3 A. Or experts, I'm sorry.

4 Q. Okay. Did you ever make this photograph or notify  
5 the TOSHA people that came out that these marks existed on  
6 the bottom of this when they were doing their  
7 investigation?

8 A. I did not make that photograph, and I did not  
9 noti -- I did not direct TOSHA on how to complete their  
10 investigation.

11 Q. Okay. Did you tell them about these marks that  
12 were now over in a new place because those two bundles had  
13 been moved before they got there?

14 A. I -- once again, I didn't direct TOSHA's  
15 investigation in any way.

16 Q. I just want to know if you told them about it.  
17 That's all I'm asking.

18 A. Not that I can recall.

19 Q. Okay. So, to the best of your knowledge, when they  
20 made that report, they didn't have the benefit of having  
21 seen those marks that are contained in Exhibit 7, correct?

22 MR. THOMPSON: Object to form.

23 THE WITNESS: They had the benefit of  
24 complete -- committing -- com -- completing an  
25 investigation thoroughly as they see -- as -- as

1 Q. Okay. If there's even anything on there you can  
2 fill out related to Mr. McKinney?

3 A. That is correct.

4 Q. Okay. Ms. McKinney's attorney was asking about the  
5 wrapping on the bundles and the -- the marks that were on  
6 that wrapping. Did anyone ask Jenkins & Stiles or tell  
7 Jenkins & Stiles that they had to keep those materials in  
8 any specific place or condition at all?

9 A. No. I haven't been told -- I mean, yeah. I mean,  
10 nobody told me that I had to keep that notebook. I mean,  
11 I had to keep that pad, that I had to keep the -- the --  
12 the -- these -- those panels were set aside as long as I  
13 could have it and --

14 Q. Did anyone tell Jenkins & Stiles to set those  
15 panels aside?

16 A. No.

17 Q. As far as you know, you all just did that of your  
18 own accord?

19 A. Yes, trying to preserve it as -- I mean, you just  
20 set it aside, keep it separate and --

21 Q. Did the sheriff tell you to hold onto anything?

22 A. No.

23 Q. Did TOSHA tell you to hold onto anything?

24 A. No.

25 Q. Did Ms. McKinney's attorneys tell you to hold onto

1 anything, as far as you know?

2 A. As far as I know, no.

3 Q. Okay. I think you mentioned you reported this to  
4 your insurance company; is that right?

5 A. Yes. Well --

6 Q. Or someone did at Jenkins & Stiles?

7 A. Well, once -- as soon as I've engaged Sandy, who  
8 works for Scott, she -- I -- I mean, she was -- I mean,  
9 within ten minutes, somebody from Scott's Insurance was  
10 aware of the situation.

11 Q. As far as you know, did anyone from Jenkins &  
12 Stiles contact me, your attorney, or -- or my office  
13 directly to engage us for this matter?

14 A. No, that would have been done completely separate.  
15 I think you're -- yeah, I don't know. I don't know the  
16 relationship.

17 We -- Sandy was aware, and it went from there.

18 Q. Okay. You just reported it to the insurance  
19 company and let them handle it?

20 A. Yes.

21 Q. Or, I guess, you told Sandy, and, I guess, she's  
22 your -- she works for your insurance agent. Is that what  
23 Scott is?

24 A. Yeah. I think that's the agent, yeah.

25 Q. Okay. Did you have any control over TOSHA's